

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THINTINUS N. TAYLOR,

No. 2:21-cv-0227 KJN P

Petitioner,

ORDER

BUREAU OF PRISONS,

Respondent.

Petitioner filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241.

Petitioner paid the filing fee.

On May 7, 2021, petitioner filed a document entitled “Amendment to 2241 Additional Ground for Relief,” in which he purports to add a sixth claim for relief alleging a violation of his due process rights based on respondent’s implementation of the prolonged modified operations. (ECF No. 6.) Petitioner seeks orders requiring the BOP to apply First Step Act credits to petitioner’s sentence, to ensure that FCI Herlong substantially depopulates until it can achieve social distancing for its inmates, and to remove petitioner’s confinement from “modified operations”; money damages, and punitive damages. (ECF No. 6 at 2-3.)

Rule 2 of the Rules Governing Section 2254 Cases provides that the petition: “shall specify all the grounds for relief which are available to the petitioner and of which he has or by the exercise of reasonable diligence should have knowledge and shall set forth in summary form

1 the facts supporting each of the grounds thus specified.” Rule 2(c), Rules Governing Section
2 2254 Cases.

3 Rule 15(a)(1) of the Federal Rules of Civil Procedure provides that:

4 A party may amend its pleading once as a matter of course within:

5 (A) 21 days after serving it, or

6 (B) if the pleading is one to which a responsive pleading is
7 required, 21 days after service of a responsive pleading or 21 days
8 after service of a motion under Rule 12(b), (e), or (f), whichever is
earlier.

9 Id. An amended pleading supersedes the original pleading. See Loux v. Rhay, 375 F.2d 55, 57
10 (9th Cir. 1967). Once an amended pleading is filed, the original pleading no longer serves any
11 function in the case. Id.; see also L.R. 220 (every pleading to which an amendment is permitted
12 as a matter of right shall be retyped and filed so that it is complete in itself without reference to
13 the prior pleading.).

14 Petitioner is advised that he may not amend his petition by filing a “supplement.” Rather,
15 all of his claims must be contained in one petition. If petitioner intends to include the sixth claim
16 raised in his “supplement,” he must file an amended petition that includes all of his claims.
17 Petitioner is granted thirty days in which to file an amended petition, or to notify the court that he
18 does not intend to do so.

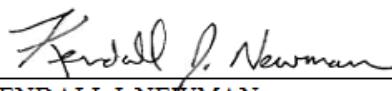
19 In accordance with the above, IT IS HEREBY ORDERED that:

20 1. Petitioner is granted thirty days from the date of this order in which to file an amended
21 petition that includes all of his claims, or to notify the court that he does not wish to amend.
22 2. Any amended petition must bear the case number assigned to this action and the title
23 “Amended Petition.”

24 3. The Clerk of the Court is directed to send petitioner the court’s form application for
25 writ of habeas corpus.

26 Dated: May 18, 2021

27 tayl0227.amd


28 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE